

This document was signed electronically on April 30, 2023, which may be different from its entry on the record.

IT IS SO ORDERED.

Dated: April 30, 2023



Alan M. Koschik
ALAN M. KOSCHIK
U.S. Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE:) CASE NO.: 22-51205
MICHELLE PHILLIPS,)
Debtor,) ADVERSARY PROCEEDING NO. 22-05032

MICHELLE PHILLIPS,)
Plaintiff,) CHAPTER 7
v.) JUDGE ALAN M. KOSCHIK
U.S. DEPARTMENT OF EDUCATION, et)
al.,)
Defendants.)

CONSENT JUDGMENT

WHEREAS, on October 12, 2022, Michelle Phillips (the “Plaintiff” or the “Debtor”) commenced the above-captioned bankruptcy case by filing a petition under Chapter 7 of Title 11 of the United States Code, 11 U.S.C. §§ 101 *et seq.* (the “Bankruptcy Code”); and

WHEREAS, the Debtor commenced the above-captioned adversary proceeding (the “Adversary Proceeding”) against the U.S. Department of Education by filing the *Complaint to Determine Discharge of Student Loans*, *see* Adv. Pro. ECF No. 1 (the “Complaint”); and

WHEREAS, on February 14, 2023, the United States Department of Education (the “Defendant” or “Education,”) filed an Answer, *see* Ad. Pro. ECF No. 10, asserting, among other things, that it was the proper defendant; and

WHEREAS, by the Complaint, the Plaintiff seeks to discharge, pursuant to 11 U.S.C. 523(a)(8), certain student loan debt identified on Education’s Certificate of Indebtedness filed in this matter (the “Student Loan Debt”); and

WHEREAS, in February 2023, the Plaintiff, pursuant to the November 17, 2022, Guidance for Department Attorneys Regarding Student Loan Bankruptcy Litigation, submitted to Education an Attestation in Support of Request for Stipulation Conceding Dischargeability of Student Loans (the “Attestation”); and

WHEREAS, after reviewing the Attestation, Education agrees that the Court should discharge, pursuant to 11 U.S.C. § 523(a)(8), the Student Loan Debt; and

WHEREAS, the Parties desire to amicably resolve the matters at issue in the Adversary Proceeding and, therefore, have agreed to enter into this Consent Judgment.

NOW, THEREFORE, upon consideration of the Complaint and the stipulations contained herein, as well as the consent of the parties as evidenced by the endorsement below of the parties or their counsel, it is, by the United States Bankruptcy Court for the Northern District of Ohio:

ORDERED, that, pursuant to 11 U.S.C. § 523(a)(8), the Student Loan Debt is hereby
DISCHARGED

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Dated: April 17, 2023

UNITED STATES ATTORNEY'S OFFICE
FOR THE NORTHERN DISTRICT OF OHIO

/s/Suzana K. Koch
Suzana K. Koch (OH: 0073743)
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Attorney for Dept. of Education

s/ Michelle Phillips

Michelle Phillips
400 E. Hudson Street
Barberton, OH 44203

Pro Se Plaintiff/Debtor

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SERVICE INSTRUCTIONS TO THE CLERK

Please serve the following with copies of the foregoing Order, via the court's Electronic Case Filing System on the U.S. Trustee and these entities and individuals who are listed on the court's Electronic Mail Notice List:

Suzana Koch on behalf of Department of Education at suzana.koch@usdoj.gov

And by U.S. prepaid mail to:

Michelle Phillips
400 E. Hudson Street
Barberton, OH 44203

Pro Se Plaintiff/Debtor